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April 2, 2008

**VIA ECFS & COURIER**

The Honorable Kevin J. Martin  
Federal Communications Commission  
Room 8-B201  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: **KBHC's Application For Review of the Transfer of Three Toll Free  
Suicide Prevention Numbers -- WC Docket No. 07-271, CC Docket  
No. 95-155**

Dear Chairman Martin:

The Kristin Brooks Hope Center ("KBHC") writes to update the record regarding its financial and technological capability to operate 1-800-SUICIDE, 1-888-SUICIDE, and 1-877-SUICIDA ("the suicide prevention hotlines"), numbers it established more than eight years ago to help people in crisis and now being temporarily operated by the Substance Abuse and Mental Health Services Administration ("SAMHSA"). KBHC remains ready, willing, and able to resume operation of the suicide prevention hotlines should the Commission return those toll-free numbers to it.

As explained in more detail below, the record developed in this proceeding demonstrates beyond dispute two key factors which clearly establish KBHC's financial fitness to obtain the return of its toll-free numbers. First, in the 15 months since the December 2006 Bureau Order which temporarily reassigned the numbers based on SAMHSA's predictions of imminent financial disaster for KBHC, KBHC has continued to operate its remaining 11 toll-free suicide prevention numbers without interruption or incident. Second, to further reassure the FCC of its financial stability, KBHC has now prepaid for a full year's service for all its toll-free numbers, including the three which are temporarily reassigned to SAMHSA. Thus, the experience of the past 15 months, and the prepayment for service for the next 12 months, provide complete financial certainty and remove any basis for continuing the temporary reassignment. In short, KBHC has demonstrated beyond doubt that it possesses both the financial and technological

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wherewithal to operate the suicide prevention lines indefinitely. As a result, the record before the Commission supports only one outcome - the grant of KBHC's Application for Review and the return of the numbers to KBHC.

## Background

The Kristin Brooks Hope Center is a private, non-profit organization dedicated to suicide prevention. H. Reese Butler founded KBHC shortly after his wife, Kristin Brooks, committed suicide in 1998 as a means of paying tribute to his wife and as a way to provide hope to others struggling with depression. Initially funded by the sale of his home and the funds from his wife's life insurance, KBHC has grown in size and scope, and now operates numerous help lines that provide critical counseling services to people in need through the use of toll free numbers.<sup>1</sup> Prior to the WCB's *800-SUICIDE Order* temporarily taking away three of its lines, KBHC also operated 800-SUICIDE, 888-SUICIDE, and 877-SUICIDA.<sup>2</sup>

KBHC uses an automatic number identification system to immediately route callers – who are depressed or suicidal, or who are concerned about someone who is depressed or suicidal – to a trained crisis line worker who can make a lethality assessment and determine what steps to take, up to and including immediate intervention. The suicide hotlines are really routing mechanisms for hundreds of local suicide prevention organizations. While many of these local organizations maintain their own numbers, they also receive calls from individuals located near them who have called one of KBHC's suicide hotlines. For many of these local crisis centers, KBHC's services provide the majority of the incoming calls. Constant 24 hour staffing and the use of advanced routing technology ensures that a trained crisis counselor will be on the line within twenty to thirty seconds of an individual dialing one of KBHC's numbers, regardless of the time of day. Since KBHC began operating the 888-SUICIDE hotline more than nine years ago (and 800-SUICIDE eight years ago), the hotlines have received more than three million phone calls, or approximately nine-hundred-fifteen calls per day.

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<sup>1</sup> These numbers currently operated by KBHC include (800) 442-4673 [800.442.HOPE]; (800) 784-2432 [800.SUICIDA], (877) 838-2838 [977.VET2VET]; (800) 722-9498; (800) 827-7571; (866) 771-1276; (866) 968-8454 [866.YOUTHLINE]; (888)861-8460; (877) 495-0009; (800) 472-3457 [800.GRADHLP]; (877) 472-3457 [800.GRADHLP]; (800)773-6667 [800.PPD.MOMS].

<sup>2</sup> KBHC obtained a trademark for 800-SUICIDE on September 9, 2003. Until the WCB's release of the *800-SUICIDE Order*, these numbers featured prominently in KBHC's fundraising material. See *In the Matter of Toll Free Service Access Codes*, Order, 22 FCC Rcd 651 (2007) (hereinafter "800-SUICIDE Order" or "Order")

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### **The Dispute with SAMHSA**

Prior to December 2004, KBHC received a substantial portion of its funding for the operation of the suicide hotlines and its other crisis prevention hotlines from a federal government mental health grant administered by the Substance Abuse and Mental Health Services Administration, an agency under the Department of Health and Human Services. When its participation in that program ended, KBHC received support from the National Mental Health Association for two years. When that support ended, KBHC continued to operate the toll free suicide and crisis prevention hotlines with money generated from its own fundraising efforts.

During the Spring of 2006, KBHC fell behind in its payments to its carrier, Patriot Communications. This circumstance led to negotiations between KBHC, its carrier, and SAMHSA. As a result of those negotiations, SAMHSA agreed to pay temporarily the carrier invoices on behalf of KBHC beginning August 26, 2006, until the issues surrounding KBHC's funding were resolved. By the beginning of January 2007, KBHC had no payments outstanding to Patriot Communications.

On December 12, 2006, however, SAMHSA submitted a request to the FCC asking that the Commission unilaterally order reassignment of five of KBHC's numbers to SAMHSA.<sup>3</sup> The justifications for this highly unusual request were (i) that the threat of termination of service by KBHC's carrier created an "emergency" and (ii) that KBHC did not have the financial ability to operate the numbers, thus jeopardizing their continued operation. KBHC duly opposed this request, and in its filings demonstrated that SAMHSA's concerns were unfounded.

On January 22, 2007, the Wireline Competition Bureau ("WCB" or "Bureau") partially granted SAMHSA's request, temporarily transferring three toll free numbers (800 SUICIDE, 888-SUICIDE, and 877-SUICIDA) from KBHC to SAMHSA for the period of one year.<sup>4</sup> The WCB took this action despite a lack of record evidence as to KBHC's financial status, and despite a statement from KBHC's carrier that it would not, in fact, cease service as SAMHSA alleged. On February 21, 2007, KBHC filed an Application for Review of the Bureau's action with the Commission. In the ensuing 15 months since the Bureau issued the *800-SUICIDE Order* based on SAMHSA's statements regarding KBHC's alleged financial inability to operate the numbers, KBHC has continued to operate its other 11 toll-free lines – including 1-800-442-HOPE and 1-800-827-7571, which SAMHSA requested be transferred but the FCC denied –

<sup>3</sup> Letter from Eric Broderick, Assistant Surgeon General, to Kevin Martin, Chairman, Federal Communications Commission (Dec. 12, 2006); Letter from Michael Leavitt, Secretary of Health and Human Services, to Kevin Martin, Chairman, Federal Communications Commission (Aug. 25, 2006).

<sup>4</sup> *800-SUICIDE Order*, 22 FCC Rcd at 651.

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without incident or financial trouble. The Commission has not yet ruled upon KBHC's Application for Review.<sup>5</sup> On December 20, 2007, the Commission WCB agreed to refresh the record in KBHC's Application for Review of the temporary transfer of the toll free numbers.<sup>6</sup> In addition, the WCB issued an order extending the temporary transfer of the toll free numbers for an additional 90 days to provide time for the record to be refreshed and the Commission to evaluate the information collected. (If the Commission feels it necessary, KBHC would not object to an additional 90 day extension to resolve this matter.)

### **Recent Developments Mandate That The Suicide Prevention Hotlines Be Returned To KBHC**

KBHC has entered into an agreement with other, larger charitable organizations, Heartbeat International, Care Net, and the Option Line, to obtain telephony transport and routing services for all of its toll free crisis numbers, including the suicide prevention hotlines.<sup>7</sup> The contract between KBHC and Option Line provides for Option Line to supply telephony transport and routing services for all KBHC numbers, along with use of Option Line's iCarol call center management tools. These tools allow the user to schedule staff and volunteer shift calendars online, organize calls logged by workers, locate and log referrals for callers, tracks information about staff and volunteers, provide tools for volunteers to communicate with each other, tabulate call volumes, caller demographics, referrals made, shift coverage, and volunteer tenure. These services will allow KBHC to operate all of its numbers, including the disputed 1-800-SUICIDE, 1-888-SUICIDE, and 1-877-SUICIDA numbers, at a level equal or superior to the manner in which KBHC operated the numbers prior to their reassignment to SAMHSA.

To assuage any fears harbored by either the Commission or SAMHSA regarding KBHC's financial strength, **KBHC has made prepayment to Option Line for a full 12 months of services** for all phone numbers, including the suicide prevention hotlines. All of the

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<sup>5</sup> The Commission extended the reassignment of the numbers pending its further consideration of KBHC's Application for Review. *Toll Free service Access Codes*, Order, DA 07-5003 (rel. Dec. 20, 2007).

<sup>6</sup> Wireline Competition Bureau Seeks to Refresh the Record Regarding Kristin Brooks Hope Center's Application for Review of the 800-SUICIDE Order, Public Notice, CC Docket 95-155, DA 07-522 (rel. Dec. 20, 2007).

<sup>7</sup> Heartbeat International is a nonprofit organization that serves a national affiliation organization for pro-life pregnancy resource centers in the United States, Canada, and approximately forty other countries. Care Net is also a nonprofit organization that serves as a national affiliation organization for pro-life pregnancy resource centers in the United States and Canada. Option Line is a joint venture between Heartbeat International and Care Net, which provides callers with information about pregnancy and can refer callers to local pregnancy resource centers.

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parties to the contract have agreed that this prepayment will be sufficient to cover the service costs for all of KBHC's numbers, including the three disputed toll free numbers, based on previous call volumes and future projections. KBHC has already paid this amount in the belief that the Commission will order immediate reassignment of the three numbers back to KBHC. It is thus clear beyond doubt that KBHC can continue to operate these numbers for the foreseeable future, including 800-SUICIDE, 888-SUICIDE and 877-SUICIDA.

With respect to SAMHSA's claims to having made investment in the suicide prevention hotlines during the period in which it operated them, these investments are largely illusory. In fact, SAMHSA has not invested money in the specific SUICIDE hotlines or brand. Indeed, SAMHSA's claims are patently misleading. For instance, SAMHSA claims that "since 2001, SAMHSA has invested more than \$15 million in grants for networking, certification, and training of the crisis centers that respond to all calls for 1-800-273-TALK and 1-800-SUICIDE."<sup>8</sup> Given that SAMHSA did not gain control over 1-800-SUICIDE and the other disputed hotlines until January 2007, it seems odd to refer to investments in the toll free numbers *over a period of seven years*. Indeed, nothing in SAMHSA's comments indicates that it made any investments in its suicide prevention numbers that it would not have undertaken regardless of its control of KBHC's suicide prevention hotlines. Rather, SAMHSA seeks to conflate its own choices with respect to its 1-800-273-TALK with its temporary stewardship of the KBHC's suicide prevention hotlines, and thus receive credit for investments unrelated to its operation of KBHC's numbers. While SAMHSA's maintenance of its own suicide prevention network is commendable, it should not be used as a basis for denying KBHC the operation of the network it privately established with its own fundraising efforts.

#### **Failure to Return The Suicide Prevention Numbers To KBHC Violates Commission Precedent and Policy**

The Commission has toll free numbering rules in place, and it should not depart from them without proper consideration. Section 1 of the Telecommunications Act of 1934 and § 251(e)(1) of the 1996 Telecommunications Act require the Commission to "ensure the efficient, fair, and orderly allocation of toll free numbers."<sup>9</sup> Implicit in a "fair and orderly" allocation of toll free numbers is the concept that, absent good cause, those making legal use of a particular toll free number assignment will continue to enjoy the right to use that number. This is

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<sup>8</sup> Reply Comments of the U.S. Dept. Of Health and Human Svcs. Substance Abuse and Mental Health Svcs. Admin., CC Docket No. 95-155, CC Docket No. 07-271, *Petition for Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers; Toll Free Service Access Codes* (filed Mar 6, 2008)

<sup>9</sup> In the Matter of Toll Free Service Access Codes, *Order*, FCC 05-163 (rel. Sep. 2, 2005).

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particularly true of toll free “vanity numbers” – numbers which spell words or names identifying certain products and services.<sup>10</sup> These numbers are of value to the end-user because they generate high-visibility and consumer recognition when used in advertising.<sup>11</sup> Because of these characteristics, many end-users of toll free numbers invest substantial resources in advertising these numbers and associating them with particular products, services, or companies. This is particularly true of KBHC, which has invested in ensuring that word of its services was spread across the country. For example, KBHC owns the trademark rights to 800-SUICIDE.

Here, the reassignment of suicide prevention numbers is in direct contradiction of the Commission’s policy of protecting the value end-users develop in their assigned vanity numbers. If the Commission simply reassigns numbers without cause or reassigns them without appropriate process, the value of these numbers is threatened, and both business and consumers suffer. Toll free vanity numbers are a critical asset to many organizations in the United States, and KBHC’s numbers are a key element of its mission – the prevention of suicide. The FCC has established processes for their assignment which have been effective for several years. A departure from the first-come, first-served approach that has worked so well, toward a system where the Commission or the WCB forcibly reassigns numbers at the urging of a petitioner claiming a higher and better use, is a potential nightmare. The floodgates will open and the Commission will need comparative hearings to adjudicate the claims. Nothing could be worse.

Additionally, seizure of toll free numbers from private charitable organizations in order to transfer them to government agencies is contrary to the Administration’s policy of encouraging the privatization of social services wherever possible. KBHC created these lines itself and built value in them through its advertising campaign. The suicide prevention hotlines were founded with the proceeds of Kristin Brooks’ life insurance and the sale of Mr. Butler’s home. KBHC has operated these numbers successfully for many years – to forcibly remove them from KBHC and give them to the government, regardless of how good the government’s intentions, sends a chilling message to non-profit organizations, like KBHC, who attempt to provide critical public services.

## Conclusion

In conclusion, KBHC has clearly demonstrated in this docket its financial strength and its intent to continue to provide high quality service to its callers. There is nothing in the record to suggest that KBHC is unfit or unable to operate the network, and, as such, the Commission must

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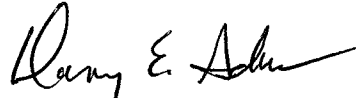
<sup>10</sup> In the Matter of Toll Free Service Access Codes, *Fourth Report and Order and Memorandum Opinion and Order*, FCC 98-48, ¶ 11 (rel. Mar. 18, 1998).

<sup>11</sup> *Id.*

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return the numbers to it as requested in the Application for Review. KHBC is eager to work with the Commission and with SAMHSA to ensure the smooth transition of the numbers back to KBHC, and is happy to answer any questions the Commission may have of it.

Sincerely,

A handwritten signature in black ink, appearing to read "Danny E. Adams". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Danny E. Adams  
Counsel for the Kristin Books Hope Center

cc: Michael J. Copps, Commissioner  
Jonathan S. Adelstein, Commissioner  
Deborah Taylor Tate, Commissioner  
Robert M. McDowell, Commissioner  
Dana Shaffer, Wireline Competition Bureau Chief